

# REE Ethics Training Guide

USDA-REE-ARS-HRD  
Employee Relations Branch  
REE Ethics Office  
5601 Sunnyside Avenue, 3-1168  
Beltsville, MD 20705-5102

Rev. 4/00

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# PRINCIPLES OF ETHICAL CONDUCT

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## TITLE 5--ADMINISTRATIVE PERSONNEL

### CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS

#### PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH--Table of Contents

##### Subpart A--General Provisions

##### Sec. 2635.101 Basic obligation of public service.

- (a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.
- (b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.
  - (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
  - (2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.
  - (3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
  - (4) An employee shall not, except as permitted by Subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
  - (5) Employees shall put forth honest effort in the performance of their duties.
  - (6) Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
  - (7) Employees shall not use public office for private gain.
  - (8) Employees shall act impartially and not give preferential treatment to any private organization or individual.

## PRINCIPLES OF ETHICAL CONDUCT- Continued

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- (9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- (10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
- (11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those--such as Federal, State, or local taxes--that are imposed by law.
- (13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
- (14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.
- (c) Related statutes. In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C. 201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating to employee conduct are set forth in Subpart I and employees are further cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies. Because an employee is considered to be on notice of the requirements of any statute, an employee should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain the advice of an agency ethics official as needed.

[Code of Federal Regulations Title 5, Volume 3, Parts 1200 to end Revised as of January 1, 1998 CITE: 5CFR2635.101 Page 517-518]

# CONFLICTING FINANCIAL INTERESTS

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Executive branch employees are prohibited by a Federal criminal statute from participating personally and substantially in a particular matter that will affect certain financial interests. Those include the financial interests of --

- C the employee
- C the employee's spouse or minor child
- C the employee's general partner
- C an organization in which the employee serves as an officer, director, trustee, general partner or employee, and
- C a person with whom the employee is negotiating for or has an arrangement concerning prospective employment.

There are a number of ways in which an employee may deal with a potential conflict of interest. The employee may simply not participate in the matter that would pose the conflict. This is called "recusal." The employee may also obtain a waiver from the agency, sell off or "divest" the conflicting interest, or resign from the conflicting position. Which remedy is appropriate will depend upon the particular circumstances.

Agencies, may by supplemental regulation, prohibit or restrict the holding of certain financial interests by all agency employees or a group of employees, and a few extend such restrictions to the employee's spouse and minor children.

**Reference:** 18 U.S.C. § 208; 5 C.F.R. § § 2635.401-403.

# GIFTS BETWEEN EMPLOYEES

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<b>Background</b>	During the year, especially during the fall and winter holiday season, employees enjoy exchanging gifts among themselves.
<b>General Prohibition</b>	With regard to gifts to or from a co-worker, you may not give or offer a gift to a supervisor, or solicit or accept a gift from a subordinate, unless an exception applies as set forth below. The restrictions apply not only to individual gifts given directly, but also to contributions towards a gift which will be given by a group of employees.
<b>Definitions</b>	<p><u>GIFT</u>: any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.</p> <p><u>OFFICIAL SUPERIOR</u>: anyone whose official responsibilities involve directing or evaluating the performance of the employee's official duties. The term is not limited to immediate supervisors, but applies to officials up the supervisory chain.</p>
<b>Exceptions</b>	<p>Giving and receiving gifts between employees is allowable as follows:</p> <ul style="list-style-type: none"><li>&lt; Items, other than cash, aggregating \$10 or less per occasion.</li><li>&lt; Food and refreshments shared in the office.</li><li>&lt; Personal hospitality at a residence.</li><li>&lt; Appropriate hostess gifts.</li><li>&lt; Leave sharing under Office of Personnel Management Regulations.</li><li>&lt; Gifts given in recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or upon occasions that terminate a subordinate-official superior relationship such as retirement, resignation, or transfer. In these instances, an employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior, and an employee may make a voluntary contribution. <i>(Note: Although you may give a gift to a supervisor who is retiring or resigning, you may not give a gift to a supervisor who is being promoted to a position which remains in your chain of command.)</i></li></ul>
<b>Soliciting</b>	You may never coerce or pressure a subordinate to give a gift, either to yourself or to
<b>Contributions</b>	another person. All gifts between employees must be voluntary.

# GIFTS FROM NON-FEDERAL SOURCES TO FEDERAL EMPLOYEES

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<b>Background</b>	During the year, especially during the fall and winter holiday season, individuals and companies who do business with the Department of Agriculture (USDA) often send or offer unsolicited gifts to employees.
<b>Prohibition</b>	Overall, the Standards of Ethical Conduct prohibit an employee from soliciting or accepting gifts from individuals and/or organizations doing business, or seeking to do business, with USDA. The acceptance of gifts given because of the employee's official position is also prohibited.
<b>Definitions</b>	<p><u>GIFT</u>: any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.</p> <p><u>PROHIBITED SOURCE</u> means any person/organization (a majority of whose members are):</p> <ul style="list-style-type: none"><li>Ⓒ Seeking official action by USDA;</li><li>Ⓒ Conducting business or seeking to do business with USDA;</li><li>Ⓒ Conducting activities regulated by USDA; or</li><li>Ⓒ Having interests that may be substantially affected by the performance or nonperformance of the employee's official duties.</li></ul>
<b>Exclusions</b>	<p>Gifts do not include:</p> <ul style="list-style-type: none"><li>Ⓒ Coffee, donuts and similar modest items of food and refreshments when offered other than as part of a meal;</li><li>Ⓒ Greeting cards and most plaques, certificates and trophies;</li><li>Ⓒ Prizes in contests open to the public;</li><li>Ⓒ Commercial discounts available to the general public or to all Government or military personnel;</li><li>Ⓒ Commercial loans, and pensions and similar benefits;</li><li>Ⓒ Anything paid for by the Government, secured by the Government under Government contract or accepted by the Government in accordance with a statute; or</li><li>Ⓒ Anything for which the employee pays market value.</li></ul>

# GIFTS FROM NON-FEDERAL SOURCES TO FEDERAL EMPLOYEES

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## Disposition of Gifts Received

When a gift cannot be accepted, the employee can:

- C Pay the donor the market value of the gift;
- C Return the gift with a polite declination; or

If a perishable item, the employee may obtain approval from their Ethics Advisor to:

- C Donate the gift to a charity;
- C Destroy; or
- C Share the gift within the office.

## Exceptions

There are eleven exceptions to the prohibition for receiving gifts from entities seeking to do business with USDA. Employees may accept:

- < Gifts with a market value of \$20 or less per occasion provided that the aggregate market value of individual gifts received from any one person/organization does not exceed \$50 in a calendar year. Cash may not be accepted as a gift. Cash may only be accepted in connection with awards. (See Special Note, below.)
- < Gifts clearly motivated by a family relationship or personal friendship.
- < Commercial discounts and similar benefits offered to groups in which membership is not related to Government employment, or if membership is related to Government employment, where the same offer is broadly available to the public through similar groups or by persons who are not prohibited sources.
- < Certain awards and honorary degrees (see Special Note, below).
- < Gifts resulting from the outside business activities of employees and their spouses.
- < Travel and entertainment in connection with employment discussions.
- < Free attendance provided by the sponsor of an event for the day on which an employee is speaking or presenting information at the event.
- < Free attendance provided by the sponsor of a widely attended gathering of mutual interest to a number of parties where the necessary determination of agency interest has been made.
- < Invitations to social events extended by persons who are not prohibited sources, provided no one is charged a fee to attend the event.
- < Certain gifts of food and entertainment in foreign areas (see the Standards of Ethical Conduct, Section 2635.204(i), Meals, Refreshments, and Entertainment in Foreign Areas).
- < Gifts accepted by the employee under a specific statute, or pursuant to a supplemental agency regulation.

## Special Note

All external awards of cash and gifts with an aggregate market value greater than \$250 may be accepted only after a written determination by the Agency Ethics Advisor.

# MISUSE OF GOVERNMENT PROPERTY

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<b>Property</b>	<p>You shall not convert for personal use, even temporarily on loan, any Government property or equipment including Government buildings and real estate property, telephones, fax machines, typewriters, computers (including software and hardware), equipment, supplies, and copiers. Nor may you use Government purchasing authority for personal acquisitions (including your official Government-issued credit card), even though you reimburse the Government.</p> <p>When leaving Federal service, you may not remove Government property or files; nor may you use Government copiers to make copies of files to take with you.</p>
<b>Government Motor Vehicles</b>	<p>You may not willfully use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes.</p>
<b>Chain Letters</b>	<p>Chain letters are generally photocopied letters addressed to no one in particular and usually contain promises of good fortune and threats of disaster. They are not only an imposition for fellow employees, they also violate the Standards of Ethical Conduct which prohibits the misuse of Government time, facilities, and property. [See 5 CFR 2535.704 &amp; 2635.705] If you receive a chain letter on the job, please forward it and it's envelope to the REE Ethics Office located within the Employee Relations Branch.</p> <p>Chain letters also come in e-mail versions usually addressed to a string of people. If you receive a chain letter via e-mail, please forward it to the REE Ethics Advisor, with a brief note stating so, and when and how you received it. [Also, see REE P&amp;P 253.4 - Use of Information Technology Resources]</p>
<b>Franked Mail &amp; Official Stationery</b>	<p>You are prohibited from using official Government envelopes (with or without applied postage) or official letterhead stationery for personal business. This includes mailing your SF-171 or OF-612 job applications. Willful violation of the prohibition against using franked (postage paid) envelopes must, by law (Title 18 U.S.C. §1719), result in a fine of not more than \$300.</p>
<b>Letters of Recommendation</b>	<p>Sometime in the course of your employment, you may be asked by a co-worker or a subordinate for a letter of reference or recommendation for a job in the private sector. It is not permissible to use official agency letterhead or your official title in signing the letter so as not to imply that the agency or the Government endorses your co-worker's or subordinate's personal activities. In writing the letter of recommendation, it may be appropriate to refer to the official position of the person requesting the letter of recommendation in the body of the letter.</p> <p>However, you may sign a letter of recommendation using your official title only in response to a request for an employment recommendation or character reference based upon personal knowledge of the ability or character of an individual with whom you have dealt in the course of Federal employment or whom you are recommending for Federal employment. [See 5 C.F.R. 2635.702(b)]</p>



# MISUSE OF POSITION

(See 5 CFR 2635.701-705, Subpart G)

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## **Providing help**

If your friends or relatives have any kind of dealing with USDA, you cannot use your position to try to intercede on their behalf and help them.

## **Endorsements**

You cannot use your position to endorse any product, service or company, except where it is part of your official duties to do so (e.g., a Foreign Agricultural Service official meeting with foreign officials to promote purchase of American products).

## **Inside Information**

You cannot use nonpublic information (information you receive in the course of your job that is not available to the general public) for the financial gain of yourself or others.

## **Use of Official Time**

You may not use official time other than in an honest effort to perform official duties.

You shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties.

# OUTSIDE EMPLOYMENT AND ACTIVITY

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On March, 24, 2000, the U.S. Department of Agriculture published an interim rule in the Federal Register that requires all employees who file a public or confidential financial disclosure report to seek and obtain prior approval to engage in outside employment and activities. The requirement does not prevent employees from seeking outside employment, but helps to prevent employees from getting themselves into situations where it might be perceived by a reasonable person that a conflict may exist.

*"Outside employment or activity" means any outside work, service, or activity performed by an employee other than in the performance of official duties. It includes, but is not limited to, such activities as writing, editing, publishing, teaching, lecturing, consulting services, self-employment, working for another employer, management or operation of a private business, personally owned business, partnership, corporation, or any work performed with or without compensation.*

Until the USDA Office of Ethics develops a form, employees must use form ARS-101a, "Application for Approval to Engage in Non-Federal Employment or Activity." This form can be found on the REE Ethics Website forms page < [www.ars.usda.gov/afm/hrd/hrdhomepage/ethics/ethicsforms.htm](http://www.ars.usda.gov/afm/hrd/hrdhomepage/ethics/ethicsforms.htm) >. Approval by the immediate supervisor and appropriate ethics advisor will be based on an assessment that the employment generally does not appear to violate any criminal statutes or other administrative regulations pertaining to ethics. It is not a determination that a criminal or ethical conflict could not arise.

All REE employees considering outside employment should carefully review and be familiar with the provisions of the Standards of Ethical Conduct (5 CFR, Subpart H, §§ 2635.801 - 807) and USDA Bulletin 735-1, Employee Responsibilities and Conduct.

Should you have any questions regarding the new interim rule, feel free to contact your Agency or Area Ethics Advisor.

# SEEKING EMPLOYMENT & POST-EMPLOYMENT RESTRICTIONS

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## Background

All separating employees are subject to certain post-employment restrictions. The following is a **brief overview** of restrictions faced by Agency employees. For the complete USDA Post-employment Restrictions, visit the REE Ethics Website (<http://www.ars.usda.gov/afm/hrd/hrdhomepage/ethics/ad-815.htm>).

## Definitions

**PARTICULAR MATTER (for individuals currently employed by the Government):** work related to, or stemming from, the employee's Government job (i.e. any investigation, application, request for ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding).

**PARTICULAR MATTER (for purposes of post-employment considerations):** work related to, or stemming from, the former employee's Government job (i.e. any investigation, application, request for ruling or determination, rulemaking, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding involving a specific party).

**PROCUREMENT-RELATED WORK:** the official work of any present or former employee who, by virtue of his/her position, has or had access to contract bid or proposal information or source selection information.

**REPRESENTATION:** knowingly communicating with, or appearing before, a current employee of the United States, on behalf of another person/organization with the intent to influence the Federal employee's/agency's actions in a specific matter.

**SEEKING EMPLOYMENT:** to make arrangements for, settle, or conclude a transaction for non-Federal work. For questions regarding the parameters of commencing and terminating employment negotiation, see the Standards of Ethical Conduct, Sec. 2635.603, Definitions, or call your Ethics Advisor.

**SENIOR PERSONNEL:** employees paid at or above Executive Schedule Level V.

**SUBSTANTIAL PARTICIPATION:** personal and significant involvement with a particular matter involving the following processes: decision, approval, disapproval, recommendation, the rendering of advice, investigation, etc. Significant involvement requires more than official responsibility over a particular matter. (For determinations of substantial participation, call your Ethics Advisor.)

## Seeking Future Employment Prohibition

Employees may not take official action on a particular matter affecting the financial interests of an organization with which they are seeking or have an arrangement for a job. (Employees should review the Standards of Ethical Conduct, Section 2635.604, Disqualification While Seeking Employment, prior to negotiating prospective employment with any organization dealt with in their official capacity.)

## SEEKING EMPLOYMENT & POST-EMPLOYMENT RESTRICTIONS - Continued

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### Restrictions After Leaving the Government

The following statutory prohibitions prevent Government employees from "switching sides" after leaving the Government.

LIFETIME BAN: prohibits an employee from representing anyone before the Government on a particular matter involving specific parties in which the employee participated personally and substantially while with the Government.

ONE-YEAR BAN: prohibits senior personnel (employees paid at or above Executive Schedule Level V) from making a communication with the intent to influence any office or employee of the Department on a Government matter.

TWO-YEAR BAN: prohibits an employee from representing another person on a particular matter involving specific parties which was pending under the employee's supervision/responsibility for the last year of the employee's Government service.

### Procurement Related Restrictions

Separated employees are prohibited from participating on behalf of a contractor in negotiations that they participated in personally and substantially, or personally approved and reviewed for the Government as follows:

IF FEDERAL EMPLOYMENT ENDED:	THEN THE EMPLOYEE IS PROHIBITED FROM CONTRACT PARTICIPATION FOR A PERIOD OF:
before January 1, 1997	2 years
on or after January 1, 1997, and the contract is in excess of \$10,000,000	1 year

### Penalties

A former employee who violates the post-employment restrictions is subject to the following penalties.

- < Imprisonment not to exceed 5 years/or a fine not to exceed \$50,000 for each violation, or the amount the person received for the prohibited conduct, whichever is greater.
- < Injunction prohibiting a former employee from engaging in conduct that violates the post-employment restrictions.

### Special Note/Contact for Additional Information

**THIS INFORMATION SERVES AS A GUIDE ONLY.** For informal assistance in interpreting and applying post-employment restrictions, call your individual Ethics Advisor or the REE Ethics Office. For information regarding procurement-related restrictions, see the Federal Acquisition Regulation, Part 3 - Improper Business Practices and Personal Conflicts of Interest.

# SUGGESTIONS TO AVOID ETHICS PROBLEMS

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**Here are some suggestions to avoid problems with conflict of interest or loss of impartiality:**

- C Avoid situations where your official actions affect or appear to affect your private interests, financial or non-financial.
- C Avoid making official decisions or taking official action in matters in which you, your spouse, minor child, or partner has a financial interest. (This also applies if an organization in which you serve as an officer, director, trustee, partner, employee or prospective employee has a financial interest with the Department.)
- C Do not use official confidential information for personal gain.
- C Do not make an investment that is likely to conflict with your official duties or that is based on confidential information.
- C Be sensitive to the statutory prohibition on the misuse of information involving national security, trade secrets, private individual and Government procurement.
- C Avoid decisions/actions that appear to give another party an unfair advantage.
- C Avoid the appearance of being controlled or influenced by private or outside interests.

**Options for the resolution of a conflict of interest include:**

- C Disqualifying yourself from taking official action that could affect your personal interest.
- C Requesting a waiver.
- C Divesting yourself of a conflicting financial interest. (Contact your Ethics Advisor before volunteering to divest.)

**If you have a potential conflict of interest, or wish to ask questions regarding conflict of interest or loss of impartiality, call your individual Designated Area Ethics Advisor or the REE Ethics Advisor on 301-504-1442.**

# WITNESS TESTIMONY

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- Background** From time to time, employees are subpoenaed or asked to provide **expert** or **factual** testimony. USDA seeks to assure that its employees are not embroiled in civil matters of no interest to the Government on official time, or in matters of interest to the Government but without its sanction.
- Definitions** ADMINISTRATIVE PROCEEDING: any proceeding pending before any Federal, state, or local agency and undertaken to issue regulations, orders, licenses, permits, or to adjudicate disputes or controversies.
- JUDICIAL PROCEEDING: any case or controversy pending before any Federal, state or local court.
- APPEARANCE: providing testimony or documents which arise out of, or relate to, an employee's official duties. An appearance includes an affidavit, deposition, interrogatory, or other required written submission.
- General Rule** No employee may provide expert or factual testimony or produce documents arising out of, or relating to, Federal employment in judicial or administrative proceedings unless authorized by their Agency Administrator with the concurrence of the USDA Chief, General Counsel.
- Exclusions** This guide does not apply to appearances as witnesses in judicial or administrative proceedings which are purely personal or do not arise out of or relate to Federal employment. These instances should be handled as personal activities and employees should request leave to honor them.
- It also does not apply to subpoenas for agency records, Civil Rights/Equal Employment Opportunity/Program Discrimination Complaints, and work-related testimony to House and Senate Committees.

The following chart identifies the proper office to call in these instances:

For the following:	Then contact:
Agency Records	Information Staff, Freedom of Information and Privacy Acts Office (301) 504-1460 or (301) 504-1655
Civil Rights/Equal Employment Opportunity/Program Discrimination Complaints	ARS: (202) 720-6161 CSREES: (202) 720-4423 ERS: (202) 694-5000 NASS: (202) 720-2707
Work-related testimony to House and Senate Committees	REE Office of Legislative Affairs (202) 720-4465

- Contact** **Immediately upon receipt of a subpoena, contact the Branch Chief of the Employee Relations Branch on 301-504-1355.**

Any employee expecting personal involvement in civil litigation through testimony or release of official records because of either their inherent expertise or official work should immediately contact their Ethics Advisor.

# FREQUENTLY ASKED QUESTIONS

(Also found on the USDA Office of Ethics Website at: [www.usda.gov/ethics/faq/](http://www.usda.gov/ethics/faq/) )

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The frequently asked questions (FAQs) relate to the Standards of Ethical Conduct for Employees of the Executive Branch (Standards). Reference also may be made to the statutes and to other ethics regulations administered within the Department of Agriculture. The Standards appear in regulation at 5 CFR Part 2635.

In the FAQs, terms taken from the Standards are not defined. The definitions are available at the website listed above in the Standards. An exception is made for "gift" and "prohibited source" because of the importance of the terms.

**DISCLAIMER:** *The questions asked and the answers provided in the FAQs are examples only. They are intended to suggest answers to more common situations. You should not assume they address your individual facts, which must be considered before coming to a conclusion about the applicability of a given section of the Standards. Employees are encouraged to confer with their ethics advisors on all concerns they have.*

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## **BASIC OBLIGATION OF PUBLIC SERVICE (Section 2635.101)**

### **Why do I need to pay attention to this stuff?**

The Secretary of Agriculture – not to mention a collection of laws, executive orders, and regulations -- states that public service is a public trust. The expectation is that we will not violate that trust.

### **Who's in charge of the ethics program?**

Ultimately, the Secretary of Agriculture is responsible for the ethics program. The Secretary delegates Department-wide responsibility to the Director, Office of Ethics, who also serves as the Designated Agency Ethics Official (DAEO). Agency and staff heads are delegated responsibility for the ethics program within their respective organizations. One task of these officials is to train or brief employees about their obligations under the Standards, ethics statutes, and other ethics regulations.

## **DISCIPLINARY AND CORRECTIVE ACTION (Section 2635.106)**

### **May an agency or staff head direct an employee to remedy a violation of the Standards?**

Yes. Corrective action includes any action necessary to remedy a past violation or prevent a continuing violation of the Standards. Remedies for violations include, but are not limited to, disqualifications of an employee from performing specified official duties, divestiture of assets, resignation from outside employment, or reassignment of an employee to a different position. Violations of law are subject to criminal or civil action by the Department of Justice.

## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **May a violation of the Standards result in disciplinary action?**

Yes. Your agency or staff management may decide that a specific, proven violation requires disciplining the employee. However, the Office of Ethics does not have authority or responsibility in the disciplinary program.

## **SUBPART B --GIFTS FROM OUTSIDE SOURCES**

### **General Standards (Section 2635.202)**

**You deal officially with a contractor whom you otherwise do not know. The contractor invites your supervisor and you to a dinner at a hotel on Pennsylvania Avenue, a block from the White House. The contractor does not invite anyone else. Each ticket is valued at \$21. May the supervisor and you accept the offer?**

No. The Standards prohibit an employee from accepting: (a) a gift from a prohibited source that exceeds the \$20 exception threshold at Section 2635.204(a); or (b) a gift that is offered because of the official position of the employee. Both reasons apply to you.

### **What if the dinner in the above question costs less than \$20?**

If the invitation was simply for lunch to discuss business, you could accept the invitation. That is what the \$20 exception is for. But this is dinner, not lunch; and your supervisor and you have been singled out. The \$20 exception could apply, but prudence should dictate that you decline the invitation because it would likely appear to a reasonable person that it was offered because of your official position and duties.

### **When is a gift given because of an employee's official position?**

If the gift would not have been offered or given if you held some other position, it is offered or given because you work where you work and/or have your duties in the agency. The formal definition is at 5 CFR Section 2635.203(e).

**You are an agricultural program specialist/researcher. An agricultural cooperative that has business dealings with the Department invites you to participate in an all-expense paid tour of the farms and processing facilities of the members of the cooperative. It does not matter to the cooperative whether you participate in a private capacity or on official time. May you accept the invitation?**

No. The offer does not meet any exclusion or exception that would permit you personally to accept. Your agency cannot accept the offer because the trip would not qualify as a widely-attended gathering.



## FREQUENTLY ASKED QUESTIONS - Continued

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### DEFINITIONS (Section 2635.203)

#### **What is a gift?**

Anything that has monetary value, including services, might become a gift. The gift might be tangible or intangible. For example, an automobile or forgiveness of a debt owed on a car each can be a gift. Free hotel lodging can be a gift. See the formal definition at 5 CFR Section 2635.203(b).

#### **What is a prohibited source?**

The Standards define a prohibited source as any "person" (see 5 CFR Section 2635.203(d)) who:

1. Is seeking official action by the employee's agency;
2. Does business or seeks to do business with the employee's agency;
3. Conducts activities regulated by the employee's agency;
4. Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
5. Is an organization a majority of whose members are described in (1) through (4) above.

**NOTE: Only (4) relates to the performance or nonperformance of the employee. The emphasis otherwise is on the relationship of the source to the agency of the employee.**

**Your agency pays the fee for you to attend a software conference. During the conference, a door prize is awarded in a drawing from the names of the conference attendees. You win. May you keep the door prize?**

No. The drawing was made only from among conference attendees. You could have kept the prize only if the drawing was open to the general public.

**Referring to the question immediately above -- may I keep the door prize if it is valued less than the \$20 gift threshold?**

No. The Department is entitled to anything it pays for, and the Department paid for you to attend the conference.

## FREQUENTLY ASKED QUESTIONS - Continued

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### EXCEPTIONS (Section 2635.204)

**An agricultural news organization that is a prohibited source sponsors a seminar to be attended by approximately 1,000 persons from Government, industry, and the vendor community. The seminar therefore qualifies as a widely-attended gathering. You are invited to participate on a panel on the first day of the seminar, and the sponsor tells you that you can stay the whole first day, partaking in a nice buffet lunch, without paying an attendance fee. Your supervisor authorizes you to participate on the panel. May you accept the day's attendance?**

Yes. The day's free attendance is not a gift, but a customary and necessary part of your performance of the official assignment.

**It is the same seminar in the question above. You are not invited to participate as a speaker, a panel member, or in any other capacity. The sponsor of the event instead offers you free attendance at the entire seminar. The ticket to the seminar includes dinner on a riverboat. May you attend? If you attend, may you go to dinner on the riverboat?**

If an ethics advisor with appropriate delegated authority determines in writing that your attendance is in the interest of the agency because it will further agency programs and operations, you may accept the offer of free attendance from the sponsor of the event. Yes, you can go to dinner on the riverboat because all attendees pay for the dinner in their attendance fee. (NOTE: Stricter, additional rules apply when the offer for free attendance comes from a non-sponsor.)

**You are an ARS manager, and you make a presentation to students and faculty at a university that receives grants from your agency. In appreciation, the university gives you a paperweight valued at \$15. May you keep the paperweight?**

Yes. The value of the gift is less than \$20. The prohibitions on acceptance of gifts from outside sources do not apply to gifts valued at \$20 or less.

### PROPER DISPOSITION OF PROHIBITED GIFTS (Section 2635.205)

**I have received a prohibited gift. What am I expected to do?**

The issue is covered specifically at 5 CFR 2635.205. Briefly stated, in most cases you give it back to the donor or pay the donor market value for the item. If the gift is perishable (a crate of oranges, for example), it may be given to a charity, shared among all employees of your office, or destroyed. You must pay the donor for gifts of entertainment or other intangible favors, services, or benefits.

## **FREQUENTLY ASKED QUESTIONS - Continued**

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**The gift I received for the December holidays was a carton of four bottles of quality Scotch whiskey. How does that fit with the rule cited above?**

If you want to keep the whiskey, you pay market value. Check the ads in the newspaper or visit a store to see how much it costs. You may return the whiskey or you may pour it down the drain. Carefully document what you do. If you destroy the whiskey, have a witness sign a statement that he/she watched as the product -- all the product -- went down the drain. Distribution to charity is an option under the regulation; but, as alcohol consumption is not permitted at work, the option of sharing it with all employees is not available.

### **SUBPART C -- GIFTS BETWEEN EMPLOYEES**

#### **GENERAL STANDARDS**

**I know that I cannot accept gifts from employees who work for me, but what if my supervisor gives me a gift?**

You may accept a gift from your official superior. The prohibitions are against giving a gift to a superior or accepting a gift from an employee making less pay than you.

**Nobody is my "superior." Why do you use the term?**

That is the term in the regulation. See 5 CFR 2635.303(d) for a definition.

**Must employee contributions for gifts to official superiors be voluntary?**

Yes. The employee must be allowed to decide for himself or herself, without coercion, whether to participate. There is no exception to voluntariness of contributions.

#### **EXCEPTIONS (Section 2635.304)**

**A management official from headquarters travels to a remote agency field office near a cheese factory. An employee of the field office asks if employees can contribute \$10 in donations and give the management official a gift of cheese. Is this permissible?**

On an occasional basis, employees may contribute towards food and refreshments to be shared in the office among employees (see 5 CFR 2635.304(c)(2)). The employees could contribute voluntarily towards purchasing the cheese if it is to be eaten within the office by all employees, including the management official from headquarters.

## FREQUENTLY ASKED QUESTIONS - Continued

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### SUBPART D -- CONFLICTING FINANCIAL INTERESTS

#### DISQUALIFYING FINANCIAL INTERESTS (Section 2635.402)

**What is meant by "disqualifying?"**

You can't do your work without violating the statute prohibiting conflict of interest; therefore, you do not, or are not permitted to, perform your official duties.

**You are a USDA scientist whose worksite is at University X. You also are a part-time professor at the university teaching classes, supervising the work of university students working in your laboratory, and advising doctoral candidates. Your agency assigns you to review a grant proposal from the university and to recommend whether to make the grant. Is your work with the university a disqualifying financial interest?**

Yes. You are an employee of the university, and the interests of the university are imputed to you. If you participate in reviewing the grant proposal, you violate the conflict of interest statute. You must disqualify yourself. Inform your supervisor of your part-time employment with the university and do not participate in the review.

**I plan to retire next month, and I have accepted employment with a company that is a major international purchaser of a specific commodity. Of course, international sales of the commodity is my specialty, which is the reason the company offered me a job. I haven't said anything to my supervisors about accepting the job, and I have continued to advise the Department on issues pertaining to the commodity. My recommendations to the Department are always thoroughly considered, and they are often adopted. Does my situation create a problem.**

Yes, for the same reason as in the question above. Your future employer's financial interests are imputed to you, and your official interests affect the future employer's interest. You should take the same steps as the employee in the question above.

#### PROHIBITED FINANCIAL INTERESTS (Section 2635.403)

**Are there financial interests that the Department prohibits all employees from having?**

No. Each employee's financial interests are evaluated in terms of his or her duties. The interest that would disqualify you may not disqualify an employee in another mission area. If a determination is made to prohibit specific financial holdings for all or any part of the Department's employees, the prohibition will have to be published in the Federal Register and included in the Code of Federal Regulations (CFR).

## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **SUBPART E -- IMPARTIALITY IN PERFORMING OFFICIAL DUTIES**

#### **PERSONAL AND BUSINESS RELATIONSHIPS (Section 2635.502)**

**Two months ago, I left employment with a firm competing for a contract with my agency. I have completely severed my ties with the company. I transferred my 401K to my own broker. My duties include recommending the winner of the contract. Will I have a problem if I recommend the winner of the contract?**

An employee has a "covered relationship" with an employer he/she has left within the last year. Even though you have completely severed your relationship with the company, you may not recommend the contract winner. A reasonable person with knowledge of these facts could question your impartiality. Your agency head or other ethics official with appropriated delegated ethics authority may, however, authorize you to participate in the matter if deemed necessary. The criteria for the authorization is set forth in this section of the Standards.

#### **SUBPART F --SEEKING OTHER EMPLOYMENT (Section 2635.603)**

**Do you begin negotiating employment only when you begin talking about salary and duties with your prospective employer?**

No. The regulation broadly defines "negotiating" to include any discussion with a prospective employer or his/her agent about your possible future employment.

#### **DISQUALIFICATION WHILE SEEKING EMPLOYMENT (Section 2635.604)**

**Last night I attended a reception given by a national commodity association whose members have interests that I might affect in the performance of my duties. A high-level association representative asked me if I would be interested in being considered for a new position the association is establishing. I want at least to think about the position. What are my obligations?**

Because you have not declined consideration for the position, you are engaged in negotiations for employment with the association. You should immediately disqualify yourself from taking any official actions affecting the association or its members. Notify your supervisors of the fact that you are in negotiations with the association. Continue the disqualification until employment negotiations are resolved by your acceptance or rejection of the position, or by the association's withdrawal of the offer to consider you.

## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **SUBPART G -- MISUSE OF POSITION**

#### **USE OF PUBLIC OFFICE FOR PRIVATE GAIN (Section 2635.702)**

**What is meant by the phrase "use of public office for private gain?"**

You may not use or permit the use of your position or title to induce or coerce someone to grant a benefit to yourself or another (e.g. don't call a subordinate and tell him/her that he/she has an application from your cousin and that you are most interested in the results of your subordinate's review of the application). You may not use or permit the use of your position or title to sanction or endorse the activities of any other person (e.g. don't make a television advertisement in which you identify your position and title as a nutritionist for the Department and promote sales of a particular brand of margarine). Even when teaching, speaking, or writing, you may refer to your official title or position only in the three limited ways permitted by 5 CFR Section 2635.807(b).

#### **USE OF NONPUBLIC INFORMATION (Section 2635.703)**

**You are completing your doctoral degree and need to use information from your agency. The information is your work product. What do you need to do to be able to use the information?**

You may use the information if it is publicly available. The regulation gives the criteria for deciding what information is publicly available. If you are unsure that it is publicly available, you should request authorization to use the information from an official in your agency with Ethics Program responsibility for giving such authorization.

**You have earned your doctorate using information from your agency. May you copyright it?**

Yes. The information you used must be publicly available, or you must have received authorization for the disclosure. You must have written the dissertation on your own time.

**My office mate is a licensed attorney practicing law in addition to working here in a non-legal position. I have seen him use his computer to prepare his private, business-related correspondence and what appears to be legal briefs. I also have seen him bring up a list of clients from the hard drive on his computer. Is he allowed to do this? If not, what should I do?**

His activity is not permitted. Government property, including computers and printers, may not be used to maintain one's legal practice or any other private business. You have a duty to report your co-worker's conduct to your supervisor or to the Office of the Inspector General Hotline (1-800-424-9121 outside the Washington, D.C. area; 202-690-1622 within the Washington, D.C. area; or TDD 202-690-1202).

## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **USE OF OFFICIAL TIME (Section 2635.705)**

**I am running for the local school board in a non-partisan election, and I need to have my secretary at work prepare a flyer for me. If my secretary takes annual leave, can I pay him or her to do it?**

Yes. You must be sure that you pay him or her adequately, or performance of the task will be a gift to you in violation of the Standards. You must also be sure that the time off is scheduled when it will not interfere with the work of your office. The secretary's help to you must be voluntary even if you compensate the employee.

**In the same situation as above, will placing my secretary on "excused absence" accomplish the same purpose as having him or her take leave?**

A person in an excused absence status is not on official time; however, the employee remains in a pay status without charge to leave. If you pay the secretary, he/she could be receiving dual compensation in violation of the criminal statutes. If you did not pay the secretary, his/her service to you is a gift in violation of the Standards. You also have abused your discretion as a supervisor or manager by intentionally circumventing the requirement to use official time for Government business.

**Well, in the same situation as above, do I break any rules if I just ask the secretary to prepare the flyer in her spare time at the office?**

Obviously, yes. You have directed the secretary to use official time for a non-Government purpose. You may not circumvent the requirement to use your own official time and that of your subordinate for official purposes. If you place your secretary in an excused absence category, you have denied his/her services to the Government by removing him/her from official time -- putting the Government in the position of paying the secretary's salary without charge to the employee's leave and without receiving the employee's services.

### **SUBPART H -- OUTSIDE ACTIVITIES**

#### **CONFLICTING OUTSIDE EMPLOYMENT AND ACTIVITIES (Section 2635.802)**

**How do the rules on conflicting outside employment differ from the rules on disqualifying financial interests and/or loss of impartiality (Sections 2635.402 and 2635.502)?**

There is no difference in the test applied by the regulation. Outside employment and activities conflict if they "would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired."

## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **PRIOR APPROVAL FOR OUTSIDE EMPLOYMENT AND ACTIVITIES (Section 2635.803)**

**Does the Department require employees to request prior approval for outside employment?**

On March, 24, 2000, the U.S. Department of Agriculture published an interim rule in the Federal Register that requires all employees who file a public or confidential financial disclosure report to seek and obtain prior approval to engage in outside employment and activities. The requirement does not prevent employees from seeking outside employment, but helps to prevent employees from getting themselves into situations where it might be perceived by a reasonable person that a conflict may exist.

### **SERVICE AS AN EXPERT WITNESS (Section 2635.805)**

**My training and experience uniquely qualify me as an expert in my field, and I am often asked to serve in civil trials as an expert witness. What should I do if I receive a request for such service on behalf of a non-Federal party?**

Immediately contact the Branch Chief of the Employee Relations Branch on 301-504-1355. Service as an expert witness does require prior approval by an ethics official with authority to give it. Requirements for approval are strictly observed. Each occasion must be individually considered.

### **PARTICIPATION IN PROFESSIONAL ASSOCIATIONS (Section 2635.806 - Reserved)**

**The Standards do not include specific rules on participation in professional associations. Does that mean that no rules apply and that any activity in a professional association is acceptable?**

No. All other sections of the Standards must be observed in your participation with a professional association. For example, it is possible for an association to become a prohibited source by having official dealings with the Department. Should that happen while you are an officer of your association, you may find yourself in violation of conflict of interest statutes. Also, your association activity does not excuse you from the rules on use of Government property and official time.



## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **TEACHING, SPEAKING, AND WRITING (Section 2635.807)**

**I am a C.P.A. employed as a budget officer in my agency. A university in my city has a course on accounting procedures in the Federal Government. The university has invited me to teach the course as a compensated instructor. I have been employed by the Department since I served as an intern during my undergraduate years. Everything I know, I learned working for the Government. Does that disqualify me from teaching the course?**

No. Notwithstanding the fact that the university has extended the offer to teach because of your position and reputation in the Federal budget community, and/or notwithstanding the fact that you will draw substantially on ideas or information that are nonpublic information, the Standards provide that you may accept compensation for teaching a course requiring multiple presentations as part of the regularly established curriculum of an institute of higher education. A "regularly established curriculum" could be established by the university listing the course in its catalog or by other evidence that the university intends the course to be a recurring part of its degree or certificate programs.

### **FUNDRAISING ACTIVITIES (Section 2635.808)**

**An employee has a child who needs a transplant. The employee has spent all her leave trying to care for the child. May we ask co-workers of the employee to donate money to help the child?**

No. The only approved fundraising activity is the Combined Federal Campaign. Under specified circumstances involving natural disasters, the Director, Office of Personnel Management (an independent agency of the Federal Government), may approve special fundraisers; however, even that authority is denied during the period of the Combined Federal Campaign. (See 5 CFR Part 905.102.)

**In my private capacity and on non-work time, may I participate in fundraising activities for a charity or school?**

Yes. In soliciting funds, however, you may not identify yourself as a Federal employee; and you may not use your position title or the name of the Department or your agency.

**I know that employee associations can solicit among their own members for contributions to be used for the benefit of all members of the association. Such events as cake sales commonly occur. May we raise money by conducting raffles for tangible items or for money?**

No. A raffle is a gambling activity expressly prohibited by the Office of Personnel Management at 5 CFR Section 735.201.

## **FREQUENTLY ASKED QUESTIONS - Continued**

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### **JUST FINANCIAL OBLIGATIONS (Section 2635.809)**

**I know that Federal employees must pay their taxes. Does the requirement extend to debts to private creditors?**

Yes. You are required to exhibit an honest intention to fulfill any just financial obligation in a timely manner. This does not require an agency to determine the validity or amount of a disputed debt or to collect a debt on the alleged credit's behalf; however, the agency is required to process legal judgments that garnish the pay of the employee.

# ETHICS IN ACTION QUESTIONS

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(Adapted from the Office of Government Ethics Newsgram -- the term “agency designee” should be interpreted as the REE Ethics Advisor)

**DISCLAIMER:** *The questions asked and the answers provided in the following questions are examples only. They are intended to suggest answers to more common situations. You should not assume they address your individual facts, which must be considered before coming to a conclusion about the applicability of a given section of the Standards. Employees are encouraged to confer with their ethics advisors on all concerns they have.*

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## WIDELY ATTENDED GATHERINGS

**I’ve heard that there is a 100-person threshold associated with the widely attended gatherings gift exception. Can you explain what it is about?**

The specific 100-person threshold only applies to nonsponsor gifts, that is, where a nonsponsor pays for the cost of the employee’s attendance at a widely attended gathering. 5 CFR §2635.204(g)(2). The rationale for the 100-person threshold for nonsponsor gifts of free attendance is that the larger, generally more public events are subject to greater potential press and public scrutiny, which will serve as additional protection against any apparent conflict situation. In combination with the \$250 free attendance gift value limitation, these two requirements will protect against the possibility that a nonsponsor donor will offer lavish entertainment or an opportunity to attend an event made highly exclusive by virtue of the admission price.

**When does the \$250 ceiling on gifts of free attendance apply?**

The \$250 ceiling applies to nonsponsor gifts of free attendance. 5 CFR § 2635.204(g)(2). The threshold ensures that any gift of free attendance that an employee is permitted to accept from a nonsponsor is in the best interest of the agency concerned and does not involve an appearance of undue influence or favoritism or loss of impartiality by, among other considerations, prohibited sources providing lavish entertainment. If the offer of free attendance from the nonsponsor is offered to a guest, it must be from the same person paying for the employee’s attendance, where such attendance has been authorized by the agency. Moreover, in such cases, the value of the employee’s attendance must be aggregated with the value of the employee’s attendance in applying the \$250 threshold for nonsponsor gifts. 5 CFR § 2635.204(g)(2). If the total value of the gift of free attendance from the nonsponsor for both the employee and the gift exceeds \$250, then the guest’s attendance cannot be authorized.

## LETTERS OF RECOMMENDATION

**Ms. Brown, the new Director of your agency, comes to you, the ethics official, because her friend Ted has asked if she could provide him with a letter of recommendation for a new position he’s interested in at her former employer in the private sector. She inquires if there are any restrictions on using agency stationery for the letter and using her new title as Director in the letter. What should you advise Ms. Brown?**

Ms. Brown may write a letter of recommendation for Ted. However, since she has not dealt with Ted in the course of Federal employment and he is not applying for a Federal position, she must refrain from using official agency stationery and her title in signing the letter so as not to imply that the agency or the Government sanctions or endorses Ted’s personal activities. In writing the letter of recommendation for her friend, it may be appropriate for her to refer to her official position in the body of the letter. See 5 CFR § 2635.702(b).

## ETHICS IN ACTION QUESTIONS - Continued

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### LETTERS OF RECOMMENDATION - Continued

**Peter, a staff director, is asked to write a letter of recommendation for an employee who wishes to apply to law school. Can Peter use his official Government title and agency letterhead for the recommendation?**

Yes. If requested, under 5 CFR § 2635.702(b), employees may sign letters of recommendation or reference using their official titles, if the letters are for individuals with whom they have worked in their Government capacities. Additionally, employees may use their titles in letters of recommendation or reference for individuals they know who are applying for Government positions. They may also use agency letterhead in these cases.

### OFFICE COLLECTIONS FOR GIFTS

**Suzanne is taking up a collection from everyone in her section for a new briefcase to be presented to the division director on the occasion of his retirement. Suzanne tells each person his or her share is \$5. Is this arrangement permissible?**

On special, infrequent occasions of personal significance and on occasions that terminate a subordinate-official superior relationship, employees may solicit voluntary contributions of nominal amounts for a gift to an official superior. [See 5 CFR § 2635.304(c)] However, Suzanne may not tell each employee what his or her share will be when she is soliciting voluntary contributions.

### OUTSIDE EMPLOYMENT

**Bill is a career employee with the Department as a budget official and works primarily on audits of the Department's programs. Bill is also a CPA, and in his spare time prepares Federal and state income tax returns for some of his friends during tax season. For these services, he receives a small fee. Is it okay for Bill to continue his tax work?**

Assuming the outside work does not conflict with his official duties with the Department (a call the agency has to make), Bill is not prohibited from preparing tax returns for his friends and collecting a fee for his services. However, because of two criminal statutes, 18 USC §§ 203 and 205, Bill cannot represent his friends before the IRS, other than to provide factual information, should the returns be audited.

## ETHICS IN ACTION QUESTIONS - Continued

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### IMPARTIALITY IN PERFORMING OFFICIAL DUTIES/POTENTIAL CONFLICT OF INTEREST .

**Karen is an administrative assistant at Computer Data International (CDI), a large company. Karen's husband, Jeff, has been asked by his Department supervisor to analyze the bids submitted for a new computer software system and advise the Department on a course of action. Several companies have submitted bids for the computer system, including CDI. Karen's responsibilities are not related to the contract. Would 18 USC § 208 prohibit Jeff from working on the project?**

Probably not. While the contract is a particular matter and Jeff's participation would be personal and substantial, the question is whether or not the contract would have a direct and predictable effect on Jeff's financial interest. Karen's salary and continued employment at CDI are financial interests which, by the terms of 18 USC § 208, are imputed to him because they are married. However, the mere fact that Jeff's spouse is employed by CDI does not prohibit Jeff under 18 USC § 208(a) from participating personally and substantially in the matter. In order for 18 USC § 208 to bar Jeff's participation in the matter, (i.e. the contract), the contract would have to have a direct and predictable effect on Karen's salary and employment interest. The critical factors to consider in this scenario are the size of the company and its solvency and the relationship of Karen's work to the contract. Without some indication that Karen's salary and employment interest could be affected by how the procurement is resolved, there is probably no direct and predictable effect, and Jeff's participation in the project would not be barred. Of course, if Karen owned stock in CDI or if she received bonuses based on the profitability of the company in general, the analysis would be different.

### FOLLOW UP TO THE QUESTION ABOVE:

#### **What about impartiality concerns?**

Even though 18 USC § 208 may not pose any problems for Jeff in this instance, Jeff should still consider whether he should participate in the project by using the procedure outlined in 5 CFR § 2635.502(a). CDI would be a party to the bidding, and Jeff has a "covered relationship" with CDI through his wife's employment there, under 5 CFR § 2635.502(b)(1)(iii). If Jeff and the agency designee have made the determination that a reasonable person would question the impartiality of his participation in the project, (considering Jeff's role in the contract, how many layers of review above him, and the importance of the contract), it is up to the agency designee to decide whether Jeff may be authorized to participate in the matter anyway. In order for Jeff to participate in the award of the contract, the agency designee would have to determine that the interest of the Government in Jeff's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. The agency designee should consider Jeff's connection with CDI, how the contract will affect CDI in terms of its significance among other CDI contracts, and the importance of Jeff's role in analyzing the contract bids. If Jeff has significant discretion in the matter, the case might not be as strong to authorize his participation, especially if the task could easily be reassigned to someone else.

# OFFICE OF GOVERNMENT ETHICS FORMS AND PUBLICATIONS

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The following publications, booklets, pamphlets, and software can be found on the OGE website at the following universal resource locator (url):

**<http://www.usoge.gov/usoge006.html#forms-pubs>**

[NOTE: To view and print the PDF files will require the use of Adobe's Acrobat Viewing Software. A hotlink to download this free software is provided at the above url.]

## **PUBLICATIONS**

Standards of Ethical Conduct (English version) in ADOBE Acrobat PDF file format

Standards of Ethical Conduct (Spanish version) in ADOBE Acrobat PDF file format

## **BOOKLETS**

Take the High Road - in ADOBE Acrobat PDF file format

A Brief Wrap on Ethics - in ADOBE Acrobat PDF file format

Do It Right - in ADOBE Acrobat PDF file format

## **PAMPHLETS**

Gifts Between Employees - in ADOBE Acrobat PDF file format

Gifts from Outside Sources - in ADOBE Acrobat PDF file format

Conflicts of Interest and Government Employment - in ADOBE Acrobat PDF file format

Gifts of Travel and Other Benefits - in ADOBE Acrobat PDF file format

Rules for the Road - in ADOBE Acrobat PDF file format

## **SOFTWARE**

Automated OGE Form 450 Software (Currently being developed, and will be placed on the web upon completion.)

## **ETHICS WEBSITES**

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Please visit the following websites for additional information on ethics:

### **REE Ethics Home Page**

[www.ars.usda.gov/afm/hrd/hrdhomepage/ethics/ethics.htm](http://www.ars.usda.gov/afm/hrd/hrdhomepage/ethics/ethics.htm)

### **USDA Office of Ethics**

[www.usda.gov/ethics](http://www.usda.gov/ethics)

### **U.S. Office of Government Ethics**

[www.usoge.gov](http://www.usoge.gov)

### **U.S. Office of Special Counsel**

[www.osc.gov](http://www.osc.gov)

# Notes

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# Notes

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